

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

SUSAN R. MICIOTTO	*	CIVIL ACTION NO. 6:19-CV-00735
vs.	*	JUDGE TERRY A. DOUGHTY
HOBBY LOBBY STORES, INC., ET AL.	*	MAG. JUDGE PATRICK J. HANNA

MEMORANDUM RULING

On September 19, 2018, Petitioner, Susan R. Miciotto (“Miciotto”), filed a Petition for Damages in the 15th Judicial District Court, Parish of Lafayette, Louisiana, against Hobby Lobby Stores, Inc. (“Hobby Lobby”) for damages as a result of a fall that occurred on the Hobby Lobby premises on November 30, 2017. On June 11, 2019, a Notice of Removal [Doc. No. 1] was filed, removing the case to this Court.

On August 3, 2020, Miciotto filed a Motion for Partial Summary Judgment [Doc. No. 80] as to liability maintaining that the accident was the sole fault of Hobby Lobby. On August 10, 2020, Hobby Lobby filed a Memorandum in Opposition to the Motion for Partial Summary Judgment.

A Motion for Summary Judgment should only be granted when there is no genuine issue as to a material fact and the moving party is entitled to judgment as a matter of law. In this case, there are material issues of fact regarding the liability of Hobby Lobby and/or as to comparative fault on the part of Miciotto.

Since material issues of fact exist, Miciotto’s Motion for Partial Judgment [Doc. No. 80] is DENIED.

THUS DONE AND SIGNED this 1st day of September, 2020, in Monroe, Louisiana.



TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE